

Appl. No. 09/889,090
Final Amendment and/or Response
Reply to final Office action of 19 April 2005

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REMARKS / DISCUSSION OF ISSUES

Claims 3-5 and 7-20 are pending in the application.

At paragraph 6 of the Office action, the Examiner introduces cites to "Moon" and "Scott" that appear to have no bearing on this case.

At paragraph 7 of the Office action, the Examiner asserts that the "Applicant's arguments with respect to claims 3-5 have been considered and are persuasive. The 35 U.S.C. 112, First Paragraph rejection of claims 3-5 has been withdrawn. However, the 102(e) rejection base on Tanioka has been maintained". The applicants respectfully note that this statement is in error, because there was no rejection of claims 3-5 based on Tanioka, and thus such a rejection could not be "maintained".

In the Office action of 17 July 2004, claims 1, 2, and 6 were rejected under 35 U.S.C. 102(e) over Tanioka (USP 5,929,843), and claims 1-6 were rejected under 35 U.S.C. 112, first paragraph. In response to this Office action, the applicants rewrote claim 3, upon which claims 4 and 5 depend, in independent form, including all of the elements of its base claim, and presented arguments with regard to the rejection under 35 U.S.C. 112, first paragraph.

The applicants thank the Examiner for withdrawing the rejection under 35 U.S.C. 112, first paragraph, but respectfully note that the applicants were not given an opportunity to provide remarks and/or amendments related to a 35 U.S.C. 102(e) rejection based on Tanioka, because claims 3-5 were not rejected under 35 U.S.C. 102(e) over Tanioka in the prior Office action.

Because of these deficiencies, the applicants respectfully request the issuance of a proper non-final rejection, if the remarks below are not persuasive for overcoming the rejections of the final Office action.

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The Office action rejects claims 7-20 under 35 U.S.C. 112, second paragraph.

The applicants respectfully traverse this rejection.

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